

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

DAN MOTTRAM,

Plaintiff,

v.

PROFESSIONAL RECOVERY  
CONSULTANTS,

Defendant.

Case No. 5:11-cv-00142

**VERIFIED COMPLAINT**

DAN MOTTRAM (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against PROFESSIONAL RECOVERY CONSULTANTS (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business and is located in the State of North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PLAINTIFF'S VERIFIED COMPLAINT

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### **PARTIES**

5. Plaintiff is a natural person residing in Lincolnton, Lincoln County, North Carolina.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
8. Defendant is a national company with a business office in Durham, North Carolina.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

10. During or around October of 2010, Defendant started constantly and continuously placing collection calls to Plaintiff seeking payment for an alleged debt.
11. Defendant contacted Plaintiff at his home telephone number (704) 479-6031, work telephone number (704) 732-8009 and mother in law's telephone number (704) 735-9870, multiple times a day, several days a week.
12. Defendant's representative told Plaintiff that "we can do what we want and will call whenever we feel like it".
13. When Defendant placed collection calls to plaintiff it failed to provide meaningful disclosure of the caller's identity as Defendant did not state the name of its company.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff; and
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.

Wherefore, Plaintiff, DAN MOTTRAM, respectfully requests judgment be entered against Defendant, PROFESSIONAL RECOVERY CONSULTANTS, for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, DAN MOTTRAM, demands a jury trial in this cause of action.

Dated: October 11, 2011

RESPECTFULLY SUBMITTED,

By: /s/Christopher D. Lane

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Attorney for Plaintiff,  
DAN MOTTRAM

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, DAN MOTTRAM, states the following.

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DAN MOTTRAM, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

10-11-11  
Date

Dan Mottram  
DAN MOTTRAM

PLAINTIFF'S VERIFIED COMPLAINT